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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/711,583

09/27/2004

Michael BURR

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7590

09/03/2008

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TWO INTERNATIONAL PLACE  
BOSTON, MA 02110

EXAMINER

HARRELL, ROBERT B

ART UNIT

PAPER NUMBER

2142

MAIL DATE

DELIVERY MODE

09/03/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/711,583	<b>Applicant(s)</b> BURR ET AL.	
	<b>Examiner</b> Robert B. Harrell	<b>Art Unit</b> 2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-60 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-60 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>see attached Office Action</u> .       |

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1. Claims 1-60 remain presented for examination.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
3. The Oath/Declaration is defective, and thus objected, as having two dates of execution missing therefrom.
4. Each of the amended claimed features must be shown in the figures or the features must be cancelled. Specifically, the unique network identifier internet protocol addressees allocated to a user (i.e., there should be added an "IP Address" for each Program (e.g., 340A); that is to say, under the word "Program" and above "340A" add a small box labeled "IP Address").
5. The applicant should always use this period for response to thoroughly and very closely proof read and review the whole of the application for correct correlation between reference numerals in the textual portion of the Specification and Drawings along with any minor spelling errors, general typographical errors, accuracy, assurance of proper use for Trademarks <sup>TM</sup>, and other legal symbols <sup>®</sup>, where required, and clarity of meaning in the Specification, Drawings, and specifically the claims (i.e., provide proper antecedent basis for "the" and "said" within each claim (for example "the computer"--claim 1 (lines 3-4, 7, et-seq.) [\*see claim 1 (line 2 "a computer" and line 3 "a computer")\*]; also in claim 23 (lines 3-4))). Minor typographical errors could render a Patent unenforceable and so the applicant is strongly encouraged to aid in this endeavor. Also, the first page of the specification must make reference to related United States Application 10/711,591.
6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this action:

**A person shall be entitled to a patent unless -**

**(e) the invention was described in — (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language;**

7. **Claims 1-60 are rejected under 35 U.S.C. 102 (e)** as being anticipated by LiVecchi (United States Patent Publication Number: US 2007/0277034 A1).

8. Prior to addressing the grounds of the rejections below, should this application ever be the subject of public review by third parties not so versed with the technology (i.e., access to IFW

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through Public PAIR (as found on <http://portal.uspto.gov/external/portal/pair>)), this Office action will usually refer an applicant's attention to relevant and helpful elements, figures, and/or text upon which the Office action relies to support the position taken. Thus, the following citations are neither all-inclusive nor all-exclusive in nature *as the whole of the reference is cited* and relied upon in this action as part of the substantial evidence of record. Also, no temporal order was claimed for the acts and/or functions.

9. All rejections, and grounds for rejections, under 35 U.S.C. 103(a) as presented in examiner's prior Office Action are hereby vacated in view of the following new grounds of rejection necessitated by the applicant's amendments to the claims specifically the additional limitation of network identifiers allocated to a user.

10. The applicant's 11 April 2008 remarks have been fully considered but are deemed moot in view of the following:

11. Per claim 1, LiVecchi taught a system (e.g., see figure 4) for assigning a unique network identifier (e.g., see figure 4 (413)) to each program (i.e., "User Session" I figure 4 (400)) invoked on a computer (e.g., see figure 4 (400)), the system comprising:

a) a computer (e.g., see figure 4 (400)) obtaining a plurality of network identifiers (e.g., see figure 4 (413)) allocated to a user (e.g., see figure 4 "User"), the computer comprising:

ai) an interface mechanism (e.g., see figure 4 (420)) selecting (e.g., see paragraph [0048]), from the plurality of network identifiers (e.g., see figure 4 (413)) of the user (e.g., see figure 4 ("User")), a first network identifier (e.g., "1.2.3.40" in figure 4 (413)) of the user for a first program (i.e., "User Session 1" of figure 4) invoked by the user (e.g., see paragraph [0048]) on the computer and selecting a second network identifier (e.g., see figure 4 (413 "1.2.3.41")) of the user, different from the first network identifier (1.2.3.40 < > 1.2.3.41), for a second program (e.g., see figure 4 ("User Session 2")) invoked by the user on the computer, and associating the first network identifier with the first program and associating the second network identifier with the second program (e.g., see paragraph [0048]); and,

aii) a network communication interface (e.g., see figure 4 (packet 430 and packet 440) and unlabeled box in figure 4 under 420), in communication with the interface mechanism, transmitting the first network identifier with a network communication of the first program, and transmitting the second network identifier with a network communication of the second program (e.g., see figure 4, figure 5, paragraph [0056], paragraph [0058], paragraph [0059], and paragraph [0063]).

12. Per claims 2-16, figure 4 (413) and paragraphs [0032]-et seq. clearly indicates that the addresses in 413 were Internet protocol addresses. While 1.2.3.40 is a working example, any from the set of 127.X.X.X was anticipated. As covered by the applicant's paragraph [0092], 127.X.X.X where the most "commonly used" loopback IP addresses. Hence, 413 encompassed and thus anticipated assigning loopback addresses to computer programs (sessions). IP addresses were normally assigned to host names and provided upon request by means of DNS, while figure 4 (400) clearly taught the user of user sessions was hosted by the computer and isolated by the computer via the multi-level security and an application (i.e., an Operating

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System and/or Winsock). Since IP addresses were implemented normally in a client server system as that of the Internet, DHCP (a type of network identifier generator) was anticipated as part of the Internet and thus dynamic assignment of IP addresses to users which were then locally stored as indicated in figure 4 (413). Thus as each user session was established, the IP address was assigned to a user session as each session was established and running concurrently as hosted by the computer. Since Internet Protocol was implemented, TCP stacks and socket libraries were required.

13. Per claims 17-22, since computer communicating on the Internet was clearly disclosed by LiVecchi, then Operating Systems, such as Windows from Microsoft, were inherently required. Some of the earlier versions of Windows did not come with TCP stacks and thus required WinSock.

14. Per claims 23-60, these claims do not teach or defined above the correspondingly rejected claims given above, and are thus rejected for the same reasons given above. "Loopback address" has been cited above.

15. The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this office action:

**a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.**

16. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103, examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligations under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of potential 35 U.S.C. 102 (f) or (g) prior art under 35 U.S.C. 103.

17. **Claims 1-60 are rejected under 35 U.S.C. 103(a)** as being unpatentable over LiVecchi (United States Patent Publication Number: US 2007/0277034 A1) in view of the submittee Winsock.

18. LiVecchi did not specifically recite the type of computer Operating System which was implemented, but, since computer communicating on the Internet was clearly disclosed by LiVecchi, then Operating Systems, such as Windows from Microsoft, were obviously required. Some of the earlier versions did not come with TCP stacks and thus required WinSock.

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19. It would have been obvious to one skilled in the data processing art to have combined the teachings of these two references because they both were directed toward the problem of communicating over the Internet. Also, those skilled in the art would have recognized that the teaching of Winsock could have enhanced Internet communications in LiVecchi's system specifically for those earlier Operating Systems that did not have a TCP stack.

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

21. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert B. Harrell whose telephone number is (571) 272-3895. The examiner can normally be reached Monday thru Thursday from 5:30 am to 2:00 pm.

23. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached on (571) 272-3868. The fax phone number for all papers is (571) 273-8300.

24. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600.

/Robert B. Harrell/  
ROBERT B. HARRELL  
PRIMARY EXAMINER  
GROUP 2142